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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,597	08/22/2003	Tse-Fen Ku	2450-0497P	9470

77032 7590 05/29/2009
Joe McKinney Muncy
PO Box 1364
Fairfax, VA 22038-1364

EXAMINER

MEJIA, ANTHONY

ART UNIT	PAPER NUMBER
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2451

MAIL DATE	DELIVERY MODE
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05/29/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary (For use in the First Action Interview Pilot Program)	Application No. 10/645,597	Applicant(s) KU, TSE-FEN	
	Examiner ANTHONY MEJIA	Art Unit 2451	Page 1 of 2

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ONE MONTH OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

This time period for reply is extendable under 37 CFR 1.136(a) for only ONE additional MONTH. This communication constitutes notice under 37 CFR 1.136(a)(1)(i).

☐ Applicant's request to not have a first-action interview is acknowledged.

Status

- 1) ☒ Responsive to communication(s) filed on 08/22/2003 and interview conducted on 05/19/2009.
 2) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 3) ☒ Claim(s) 1-4 is/are pending in the application.
 3a) Of the above claim(s) _____ is/are withdrawn from consideration.
 4) ☐ Claim(s) _____ is/are allowed.
 5) ☒ Claim(s) 1-4 is/are rejected.
 6) ☐ Claim(s) _____ is/are objected to.
 7) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 8) ☐ The specification is objected to by the Examiner.
 9) ☒ The drawing(s) filed on 08/22/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 10) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 11) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

Contact Information

Examiner's Telephone Number: (571)270-3630
 Examiner's Typical Work Schedule: Mon-Thur 9:30AM-8:00PM EST
 Supervisor's Name: John Follansbee
 Supervisor's Telephone Number: 571-272-3964

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: <u>05/19/2009</u> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Office Action Summary	Application No. 10645597	Applicant(s) KU, TSE-FEN	
	Examiner ANTHONY MEJIA	Art Unit 2451	Page 2 of 2

Notification of Rejection(s) and/or Objection(s)

#	Claim(s)	Reference(s) (if applicable)	Rejection Statutory Basis	Brief Explanation of Rejection
1	1-3		112 2nd	Claim 1 recites the term "long term basis" which is vague and/or ambiguous in that it raises uncertainty as to what requisite degree the term is referring to. Appropriate correction is required. See MPEP § 608.01(m) Claims 2-3 are also rejected (see below).
2	1	A	102(b)	Ref A discloses a data transmission system for linking multiple facilities, comprising: at least one exercise facility (treadmill 12) which has a measurement device mounted thereon for capturing data (pars [0079-0080]; (see below)
3	2-3	A,B	103(a)	Ref A does not explicitly disclose the steps wherein the microprocessor transmits the exercise data through Internet to another microprocessor nor wherein the microprocessor transmits exercise data through a disk to another microprocessor. (see below)
4	4	B,C	103(a)	Ref B discloses a data transmission system for linking multiple facilities, comprising: at least one exercise facility (exercise machine 38) which has a data reader including a slot (connector) (col.9, lines 18-40, col.10, lines 29-35). (see below).

Expanded Discussion/Commentary

1		through their dependency to Claim 1.
2		and a transmission circuit (transmission medium) having one end connecting to the exercise facility and other end connecting to a microprocessor (computer device 14) (pars [0082-0083]); wherein the transmission circuit connects the exercise facility and the microprocessor to transmit exercise data in a two-way manner to record and track detailed data results of every exercise performed by users on a long term basis (pars [0044], [0097-0106]).
3		However, Reference B teaches these limitations (e.g., remote server system 48 and personal storage device 46, col.7, lines 26-30, col.8, lines 56-65, and see fig. 3)
4		Ref B does not explicitly teach a storage device housed in the slot of the data reader for reading data stored in the data reader; wherein the storage device has at least one memory buffer which forms storage segments according to properties of different exercise facilities. However, Ref C teaches these limitations (pars [0271], [0287]). It would have been obvious to one of ordinary skill in the art (see below)
4		at the time the invention was made to utilize the teachings of Reference C in the teachings of Reference B to allow the user to have a transportable storage device for reading the data stored on a monitoring device of the exercise machine they are using. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Reference B and C to enable the users of the system to be able to provide the data that was recorded from the exercise machine to a variety of different health advisers.

DATE:
5/19/2009

Examiner Signature:
/A.M./
Art Unit 2451

Primary Examiner:

ABDUL J. SALAD
PRIMARY EXAMINER